

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SCOTT D. BIRKETT,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,<sup>1</sup>

Defendant.

CASE NO. 12-cv-05315 BHS

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Judge J. Richard Creatura, United States Magistrate Judge, on Defendant's Stipulated Motion for Remand (ECF No. 23), and the relevant record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of the Social Security Administration on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the defendant in this suit.

1 (2) The matter is REVERSED and REMANDED pursuant to sentence four of 42  
2 U.S.C. § 405(g) to the Administration for further consideration; and

3 (3) The Clerk is directed to enter Judgment and close this case.

4 Dated this 28th day of February, 2013.

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7 BENJAMIN H. SETTLE  
8 United States District Judge  
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